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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,206	03/24/2000	Shintaro Ichihara	Q58496	2978

7590

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EXAMINER

HO, TUAN V

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,206

Applicant(s)

ICHIHARA, SHINTARO

Examiner

TUAN HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendments filed on 3/8/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments, see Paper No. 7, filed 3/8/04, with respect to the rejection(s) of claim(s) 1-6 under Hull et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Safai et al (US 6,167,469).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai et al (US 6,167,469).

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With regard to claim 1, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the digital camera having a camera section (camera 100 including image detector 250 is shown in Fig. 2, col. 5, lines 29-40), first memory section (storage device 212, col. 6, line 2), first processing means (server 601 and service 602, col. 13, lines 20-35 and col. 14, lines 9-30), second memory (storage device 604, col. 13, lines 31), second processing means (printer 612 inherently includes a processor for processing image data sent from server 601 so as to print the images on a hard copy, col. 13, line 34 and col. 14, lines 30-43; noted that the printer has to convert image data from server 601 into printing data; therefore, the printer must have a processor to perform the data conversion), communication apparatus (modems 214, 604 and PSTN 606 and Network 608), and instruction means (camera 100 has CPU 210 that provides instruction to server 601 so as to perform a particular processing for printing or addressing, col. 14, lines 1-43).

With regard to claim 2, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the second processing means including a print section (printer 212 includes printing mechanism so as to print image data from the server).

With regard to claim 3, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the third memory

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(printer 212 inherently includes a memory because the printing speed of the printer is always slow in comparison to transmission speed of the server and the memory is used to serve as a buffer to slow down the transmission from the server).

With regard to claim 5, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the camera section (camera 100), image data (image data is stored in memory 212), instruction means (CPU 210 instructs server 610 to process image data that can be sent to a printer), second memory (storage device 614), and connecting section (modems PSTN and Network).

With regard to claim 6, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the processing device (server 601), digital camera (camera 100), reception means (modem 604 and server 601 include a reception circuit that receives image data from camera 100), memory section storage device 614), and output means (server 601 includes an output circuit used to provide image data stored in memory 614 to printer 612 that inherently includes a printing processing to process image data into a printing data).

With regard to claim 7, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU 210).

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With regard to claim 8, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the first processing means communicates directly with the digital camera (server 601 directly processes image data from camera 100 without passing through any other image processing circuit, col. 14, lines 9-55).

With regard to claim 9, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU of camera 100 directly communicates with server 601 without passing through any other server, col. 14, lines 9+).

With regard to claim 10, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the reception means (modem 604 and server 601 includes a circuit that is used to directly receives image data from the camera without passing through any other server).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability

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shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai et al in view of Fukuoka (US 5,754,227):

Safai et al discloses the same subject matter discussed with respect to claim 1-3, except that the system includes a plurality of the second processing means and the camera includes a selecting means.

Safai et al does not explicitly disclose any plurality of the second processing means and the selecting means of the camera. However, Fukuoka discloses a digital camera that is connected to a plurality of computer system 33 or 34 and printers 35 or 36, col. 4, lines 1-53.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of printers in the camera system of Safai et al as the same fashion as disclosed by Fukuoka so as to obtain a plurality of second processing means because the incorporation of a plurality of printers in the Safai system would allow a user to select a desired printer to send a pictures for printing.

In the combination, since a user can select a desired printer, there must be a selecting circuit implemented on the

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camera 100 of Safai so as to select a particular printer and thereby to improve the efficiency of the system.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parulski et al discloses a digital imaging system that includes printers.

6. This Office action is not made Final due to new grounds of rejection applied to the claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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